

# **Exhibit 4**

**From:** [Kappler, David](#)  
**To:** [Duffy, Matthew M.](#)  
**Cc:** [Haefele, Robert](#)  
**Subject:** [EXTERNAL] RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN - Renewed Motion to Dismiss - Confidentiality Designations  
**Date:** Wednesday, May 1, 2024 12:41:56 PM  
**Attachments:** [image001.png](#)

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Good afternoon Matthew,

Could you please resend to myself, and/or Robert, KSA's proposed redactions from 10/13/23 and 11/6/23 for the renewed motion to dismiss filings? Unfortunately, we didn't pull these before the link expired.

Please let me know if you have any questions.

Thanks in advance for your help.

Sincerely,



**David Kappler**  
Paralegal

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**From:** Duffy, Matthew M. <mduffy@kellogghansen.com>  
**Sent:** Monday, November 6, 2023 10:58 PM  
**To:** Bruce Strong <Bstrong@andersonkill.com>; Normand, Sarah (USANYS <Sarah.Normand@usdoj.gov>; Nitz, Eric <enitz@mololamken.com>  
**Cc:** Carter, Sean <SCarter1@cozen.com>; Haefele, Robert <rhaefele@motleyrice.com>; Jerry S. Goldman <Jgoldman@andersonkill.com>; Flowers, Jodi <jflowers@motleyrice.com>; Tarbutton, J. Scott <starbutton@cozen.com>; f3g@speiskrause.com; jog@speiskrause.com; Baumeister, Michael <mibaumeister@baumeisterlaw.com>; Capone, Thea <tcapone@baumeisterlaw.com>; Vargas, Jeannette <jeannette.vargas@usdoj.gov>; Leung, Mona (USANYS <Mona.Leung@usdoj.gov>; Kry, Robert <rkry@mololamken.com>; Kellogg, Michael K. <mkellogg@kellogghansen.com>; Rapawy, Gregory G. <grapawy@kellogghansen.com>; Shen, Andrew C. <ashen@kellogghansen.com>  
**Subject:** RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN - Renewed Motion to Dismiss - Confidentiality Designations

CAUTION:EXTERNAL

**Subject to FBI and MDL Protective Orders**

All,

On October 13, we circulated redactions to the memorandum in support of Saudi Arabia's renewed motion to dismiss. Redactions for the supporting declaration and exhibits as re-filed on October 27 are available at the link below (password to follow). As usual, we have identified in yellow redactions under the MDL protective order, in red potential redactions under the FBI protective order, and in blue material that we no longer suggest redacting. We have incorporated the FBI's feedback on documents filed with the parties' *Daubert* submissions and have attempted to remove blue highlighting where the FBI has already agreed with suggestions to lift prior redactions.

Beyond the documents included in the FTP link, in the attached list we identify: (1) documents we believe can be publicly filed; (2) documents that should remain sealed entirely; (3) documents with an EO14040-MDL or FBI bates label for which the FBI has already made public versions (we propose filing the public versions on the public docket with an annotation on the cover sheet indicating that the sealed filing includes a non-public version of the same document); and (4) documents that might contain Dallah Avco or KFM confidential information. Regarding the latter category, Exhibits 21, 37, and 38 appear to contain information Dallah Avco designated confidential. If Dallah Avco wishes to maintain any of this information under seal, please let us know. We will separately reach out to counsel for KFM regarding Exhibits 130 to 133. The link also includes updated versions of Saudi Arabia *Daubert* Exhibits 79 and 87 that redact additional information under FRCP 5.2. These supersede the redactions we previously circulated.

We reserve the right to provide additional or different grounds for protecting the material in the meet and confer process and any subsequent filings. We also reserve the right to update these designations. Please let us know if you have any difficulty accessing the link.

<https://kellogghansen.kiteworks.com/w/f-b2a4182a-60e8-4ebc-94c0-9c09e978bb41>

Best,  
Matt

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**From:** Duffy, Matthew M.

**Sent:** Friday, October 13, 2023 8:08 PM

**To:** Strong, Bruce <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>; Normand, Sarah (USANYS <[Sarah.Normand@usdoj.gov](mailto:Sarah.Normand@usdoj.gov)>; Nitz, Eric <[enitz@mololamken.com](mailto:enitz@mololamken.com)>

**Cc:** Carter, Sean <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>; Haefele, Robert <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>; Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>; jflowers@motleyrice.com; Tarbutton, Joseph <[starbutton@cozen.com](mailto:starbutton@cozen.com)>; f3g@speiskrause.com; jog@speiskrause.com; Baumeister, Michael <[mbaumeister@baumeisterlaw.com](mailto:mbaumeister@baumeisterlaw.com)>; Capone, Thea <[tcapone@baumeisterlaw.com](mailto:tcapone@baumeisterlaw.com)>; Vargas, Jeannette <[jeannette.vargas@usdoj.gov](mailto:jeannette.vargas@usdoj.gov)>; Leung, Mona (USANYS <[Mona.Leung@usdoj.gov](mailto:Mona.Leung@usdoj.gov)>; Kry, Robert <[rkry@mololamken.com](mailto:rkry@mololamken.com)>; Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>; Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>; Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>

**Subject:** RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN - Renewed Motion to Dismiss - Confidentiality Designations

**Subject to FBI and MDL Protective Orders**

All,

We have completed our review of the memorandum in support of Saudi Arabia's renewed motion to dismiss for confidential information under both the MDL and FBI protective orders. The attached identifies in yellow (with annotations) proposed redactions for confidential material under the MDL protective order and the Court's prior rulings. We have suggested in red potential redactions under the FBI protective order, and in green material KFM designated confidential. We will consult with KFM's counsel regarding the latter. We reserve the right to provide additional or different grounds for protecting the material in the meet and confer process and any subsequent filings. We also reserve the right to update these designations.

We will follow up separately with proposed redactions on the rest of the materials filed with the renewed motion to dismiss.

Best,  
Matt

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